

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	CASE NO. 1:05-cr-26
)	
Plaintiff,)	
)	
vs.)	Judge Peter C. Economus
)	
JAMAR TRIPLETT,)	
)	
Defendant.)	<u>ORDER</u>

On August 9, 2005, the Defendant, Jamar Triplett, was sentenced to ten (10) months imprisonment, followed by three (3) years of supervised release, for Conspiracy to Possess with Intent to Distribute and Distribution of Crack Cocaine, a Class C felony, in violation of 21 U.S.C. § 841 (a)(1) and 846. His supervised release commenced on December 9, 2005.

On or about July 23, 2007, the Defendant's probation officer submitted a superseding violation report alleging a violation of the terms of supervised release:

1. **Failure to Attend Drug/Alcohol Counseling** - Mr. Triplett failed to attend monthly individual substance abuse counseling sessions at Fresh Start, Inc. For the months of June and July 2006. He was terminated unsuccessfully from the program.
2. **Failure to submit to Drug Testing as Directed** - Mr. Triplett failed to report to Fresh Start, Inc. for urine testing for the months of June and July 2006.
3. **Failure to Report as Directed** - Mr. Triplett failed to report to the U. S. Probation Office on 6/12/2006, 6/28/2006, and 7/26/2006 as directed.
4. **Failure to submit Monthly Supervision Report Forms** - Mr. Triplett has failed to submit monthly supervision report forms for the months of May and June 2006.
5. **New Law Violation** - Mr. Triplett was sentenced to serve 7 years in Cuyahoga County Court of Common Pleas in Case #510459-A; for Felonious Assault (F1) with Firearm Specification on July 7, 2008.

On , July 24, 2007, the Court issued an arrest warrant, to be lodged as a detainer, based on the probation officer's violation report. The matter was referred to Magistrate Judge James S. Gallas to conduct the appropriate proceedings, except for sentencing, and to prepare a report and recommendation. The Defendant appeared before the Magistrate Judge for a violation hearing on November 12, 2008, and was represented by appointed counsel Lawrence Turbow. At the hearing, the Defendant admitted the violations. The Magistrate Judge has issued a report and recommendation, recommending that the Court find that the Defendant has violated the terms of his supervised release.

The Court has reviewed the Magistrate Judge's report and recommendation and finds that it is well-supported. The Defendant has admitted the violations alleged in the probation officer's violation report. As a result, the Court finds that the Defendant has violated the

terms of his supervised release.

The Court has considered the statutory maximum sentence of two years pursuant to 18 U.S.C. § 3583(e)(3). The Court has also considered the advisory policy statements set forth in Chapter Seven of the United States Sentencing Guidelines prior to imposing sentence. The guideline range is 12-18 months pursuant to U.S.S.G. § 7B1.4(a). Furthermore, the Court has considered the factors for sentencing listed in 18 U.S.C. § 3553(a) and 3583(d).

The Court hereby **ADOPTS** the Magistrate Judge's Report and Recommendation. (Dkt. # 135). Based on this Court's review of all relevant factors, the Court hereby orders that the Defendant's supervised release is **REVOKED**, and the Defendant is sentenced to eighteen (18) months imprisonment. Furthermore, the Defendant's remaining term of supervised release is hereby terminated.

IT IS SO ORDERED.

Issued: January 8, 2009

s/ Peter C. Economus
PETER C. ECONOMUS
UNITED STATES DISTRICT JUDGE